

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELLY NI,

Plaintiff,

-against-

HSBC BANK USA, N.A.,

Defendant.

23-cv-309 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On October 24, 2023, Plaintiff filed a motion for conditional collective certification. Dkt. 74. On December 21, 2023, Defendant filed a motion for summary judgment. Dkt. 104. Yet fact discovery had not yet closed and, about two weeks later, fact discovery was stayed pending the decision on the motion for conditional certification. Dkt. 111. On January 3, 2024, Plaintiff opposed the motion for summary judgment on the ground that she had not yet received certain documents or taken certain depositions that would likely be relevant to summary judgment, Dkt. 114, and Plaintiff's counsel filed a declaration to that effect, Dkt. 115. Plaintiff, the nonmovant on the summary-judgment motion, has shown by declaration that she cannot present facts essential to justify her opposition because discovery remains to be taken, so the Court DENIES WITHOUT PREJUDICE Defendant's motion for summary judgment. *See Fed. R. Civ. P. 56(d)(1)–(2).* The motion may be renewed at the close of discovery. The Clerk of Court is directed to close ECF 104.

SO ORDERED.

Dated: January 8, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge